

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MARCH 21, 2006  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m.. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. Late arrivals: Melina Castro and Presi Ortega, Jr. at 8:08 a.m. Early departure: Presi Ortega, Jr. at 11:11 a.m., Eddie Holguin, Jr. at 12:00 p.m., and Beto O'Rourke at 12:15 p.m. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **BENITO JUAREZ DAY**  
Mayor Cook welcomed the Governor of Chihuahua, José Reyes Baeza Terrazas, along with the Consul General and Presidente Municipal from the City of Juarez.
2. **ORO TEMPLE AND ORO COURT'S POTENTATE AND COMMANDRESS CELEBRATION**
3. **POISON PREVENTION WEEK**  
Mr. Leo Artolejo commented.
4. **I AM THE PLAZA THEATRE**  
Mr. Eric Pearson commented.
5. **UNION PASSENGER STATION MONTH**  
Mr. Terry Lee Scott, Director of Mass Transit, commented.

**PUBLIC RECOGNITION**

**THUNDER CANYON ACQUISITION UPDATE**

Mayor Cook and Representative Lilly commented.  
Ms. Amy Shoemaker, Willis Homes, commented.  
Mr. Dave Turner, Upper Mesa Hills, commented.

**CALL TO THE PUBLIC – PUBLIC COMMENT**

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Thurmond Reynolds commented on affidavits generated by the El Paso Police Department.

Mayor Cook and Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Charlie McNabb, City Attorney, commented.

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Reynolds an additional two (2) minutes to speak.

2. Mr. Pete Hollen commented on Tierra Este Park.

3. Ms. Sophia Alonzo, UTEP student, commented on the Dolores Huerta/University Democrats event.

4. Mr. Ray Gilbert commented on properties.

Representatives Steve Ortega and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Charlie McNabb, City Attorney, commented.

5. Mr. Guillermo Glenn commented on employees possibly losing their jobs at Sahara.

Representative Presi Ortega commented.

Ms. Joyce Wilson commented.

6. Mr. Gregory Glavinovich commented on the economics of El Paso and Juarez.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Glavinovich an additional minute to speak.

7. Mr. John Lyons commented on his support for Mr. Hollen in reference to Tierra Este Park.

.....  
\*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).  
.....

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of March 14, 2006 and Special City Council Meeting Minutes for January 23, 2006 (intro), January 30, 2006 (exec session) and March 13, 2006.  
.....

## **\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Manager be authorized to sign a Lease Agreement between the City and La Posada Home, Inc. for the property at 1926-1930 Bassett Avenue to operate a transitional housing program under a Supportive Housing Renewal Grant from the U.S. Department of Housing and Urban Development. The initial term of this Lease shall be from April 1, 2006, to March 31, 2007, yet may be extended up to five (5) additional one year periods.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Manager be authorized to execute a Municipal Maintenance Agreement between the City of El Paso and the State of Texas for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of El Paso.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, in accordance with Section 18.50 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 12th day of October, 2004, after due notice and hearing, ordered JOSE A. GUTIERREZ, PEDRO TABOADA and JOSEPH P. MURRAY, record Owners of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 5 and 6 and E 5 FT of Lot 4, the W 13 FT of Lot 7, the S 100 FT of the E 5 FT of Lot 3, the S 100 FT of the W 20 FT of Lot 4, the N 120 FT of Lots 8, 9 and 10 and the N 130 FT of the E 12 FT of Lot 7, Block 33, Franklin Heights Subdivision, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 1406 Myrtle Avenue a/k/a 1406-1418 Myrtle Avenue, El Paso, Texas,

to be \$42,291.78, performed by the Street Department of the City of El Paso, to be \$2,350.00, for relocation costs, and \$1,332.55, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$45,974.33. The City Council finds that the work was completed on the 19th day of October, 2005, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of FORTY-FIVE THOUSAND NINE HUNDRED SEVENTY-FOUR AND 33/100 DOLLARS (\$45,974.33) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**JOINT RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, on Nov. 8, 1988, the El Paso Water Utilities Public Service Board (PSB) and the City of El Paso (City) entered into a joint resolution for the transfer of certain real property for a golf course; and,

**WHEREAS**, on August 28, 1990 the City entered into a lease with Recreational Services, L.T.D. to assist the City in the design, development, construction, operation, maintenance and promotion of the Painted Dunes Golf Course, and the lease was amended several times; and,

**WHEREAS**, on Nov. 14, 1997, the City entered into a lease with Evergreen Alliance Golf Limited, L.P., f/k/a Recreational Services L.T.D., for the Lease of the Painted Dunes Municipal Golf Course; and the lease superseded the 1990 lease and included additional real property to construct nine additional golf holes on real property to be acquired from the PSB; and,

**WHEREAS**, on Aug. 14, 1999, the City consented to the transfer and assignment of all rights under the lease for the Painted Dunes Golf Course from Evergreen Alliance Golf Limited to EAGL Painted Dunes, L.P., and consented to the encumbrance of the Leasehold interest in the premises with a mortgage to secure a loan from Banc of America Commercial Finance Corporation; and,

**WHEREAS**, on June 27, 2003, in lieu of foreclosure, EAGL Painted Dunes, L.P. assigned its Nov. 14, 1997 Lease of the Painted Dunes Municipal Golf Course with the City to Bank of America, N.A.; and,

**WHEREAS**, the El Paso Water Utilities Public Service Board and Bank of America, N.A. have entered into an agreement of Sale and Purchase pertaining to the Painted Dunes Golf Course; and,

**WHEREAS**, the PSB desires to incorporate the Painted Dunes Golf Course into its master plan for the development of properties in Northeast El Paso; and

**WHEREAS**, the City desires to assist in the planned development of property in Northeast El Paso;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD THAT:**

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and are hereby adopted by the PSB and the City Council and made a part of this Joint Resolution for all purposes.

Section 2. The City consents to the transfer and assignment of all rights and property under the lease for the Painted Dunes Golf Course from Bank of America, N.A. to the El Paso Water Utilities-Public Service Board.

Section 3. The City consents to the transfer of real properties described in Exhibit "A" hereto, being 172.51 acres, more or less, of Section 19, Block 80, Township 1, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas and Exhibit "B" hereto, being 84.885 acres, more or less, of Tract 3, Section 18, Block 80, Township 1, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, at no cost, from the jurisdiction of the City of El Paso to the jurisdiction of the PSB, and recognizes that the consent of the transfer and assignment of the lease for the Painted Dunes Golf Course and the transfer of the land merge into the ownership of the land into the jurisdiction of the PSB.

Section 4. The PSB agrees that a condition of the transfer of the property described in Exhibits "A" and "B" is that the land will be operated as a golf course open to the public and that this condition will be a covenant running with the land. In addition, should the PSB ever sell the property identified in Exhibits "A" and "B", the PSB shall pay the City of El Paso 5 percent (5%) from the proceeds derived from future PSB land sales.

Section 5. This resolution shall become effective from and after its adoption, as allowed by law.

**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and carried to **MOVE TO THE FOREFRONT** of the regular agenda.

Mayor Cook and Representatives Lozano, Holguin, Castro, and Steve Ortega commented.

Mr. Ed Archuleta, General Manager of the El Paso Water Utilities Public Service Board, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terri Cullen Garney, Assistant City Attorney
3. Mr. Charlie McNabb, City Attorney

The following members of the public commented:

1. Mr. Ray Gilbert

Motion made by Presi Ortega Jr., seconded by Steve Ortega, and carried to **APPROVE** the above resolution.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representative Holguin

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Fernandez, Jorge – Firefighter
- B. Torres, Luis – Labor Foreman

.....  
\*Motion made, seconded, and unanimously carried to **APPOINT** Jessie Miller to the City-County Animal Shelter Advisory Committee by Representative Ann Lilly.

Mayor Cook commented.

Mr. Charlie Hooten, citizen, commented.

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** installation, power, and maintenance of residential streetlights at the following locations:

Between 11149 & 11153 Terrell Drive at a cost of \$1,200. Funding source to be provided from District 5's discretionary Account Council Special Project 504420, ID 01153007, Fund 16505, Project PD50426.

Between 2216 and 2220 Villa Plata at a cost of \$899.00. Funding source to be provided from District 5's discretionary Account Council Special Project 504420, ID 01153007, Fund 16505, Project PD50426.

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** Change Order No. Six (6) to Blair-Hall Co., Inc., for Contract No. 2005-132 Northeast Regional Park Phase I Improvements Project. The amount of this change order represents a change in the original scope of work for the project as this change order incorporates the installation of additional electrical conduit to be used in a future lighting system not contemplated under the present construction phase, this conduit system is being installed as a precautionary measure to prevent future teardown of finished turf areas while the project construction is underway. The scope of this change order is described in the backup documents provided by the Project Manager Perspectiva 3D/I. The dollar amount of this change order is \$37,253.82. This change order increases contract time by 8 days. Contractor's Cost Proposal and the change order request are attached. The project scheduled completion date after this change order is 7/31/2006.

The funding source for the work described under this change order is as follows:  
\$37,253.82 from 31130550-PPW0046004-60016-508027.

Current Contingency: \$440,325.75  
Prior Change Orders: \$316,454.60  
Proposed Change Order: \$ 37,253.82  
Remaining Contingency: \$ 86,617.33

Location: 11270 McCombs Rd.  
District: 4

.....  
\*Motion made, seconded, and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2006-080 Janitorial Services for the City of El Paso Viscount Building

Award to: Maheir Janitorial Service  
El Paso, TX  
Item(s): All  
Amount: \$21,216.00 Estimated/Yearly  
  
Department: General Services  
Funds available: 31010326-01101-502206  
Funding source: General Services, Maintenance Division Operating  
Account, Maintenance Service Contracts  
Total award: \$63,648.00 Estimated  
District (s): 3

General Services, Maintenance Division and Financial Services, Purchasing Division recommend award as indicated, Maheir Janitorial Services offered the Best Value for this service.

This is a thirty-six month contract with no option to renew. Maheir Janitorial Services offers a 1% - 10 days, Prompt Payment Discount.

.....  
\*Motion made, seconded and unanimously carried to award Best Value Procurement Solicitation No. 2006-034 El Paso Police Department Facilities Strategic Plan 2010

Award to: Daniel C. Smith and Associates  
Golden, CO.  
Item (s): All  
Amount: \$95,000.00  
  
Department: Police  
Funds available: 3113501-27114-508016 Project PPD05001  
Funding source: 98A Certificate of Obligation

Total award: \$95,000.00  
District (s): All

The review committee for the Award of Consultant Services For El Paso Police Department Facilities Strategic Plan-2010 of The City of El Paso's El Paso Police Department has met and reviewed the bid responsive that was received. It is the recommendation of the committee to award this solicitation to Daniel C. Smith and Associates. The bid response addressed the scope and intent of the solicitation and is based upon a Best Value Criteria.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Mayor Cook commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta Candelaria, CFO

Mr. Ray Gilbert, citizen, commented.

.....  
\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-088 IMSA Signal Cable

Award to: Vendor 1: Paige Electric Co.  
Union, NJ  
Item(s): 1, 2 and 3  
Amount: \$26,385.00

Award to: Vendor 2: Globe Electric Co. Inc.  
Houston, TX  
Item(s): 4 and 5  
Amount: \$20,375.00

Department: Street  
Funds available: 01101-32010288-503203;  
27175-31250102-508027-PST05002;  
29146-14200403-508027-PBE04ST131  
Funding source: Public Accesses and Maintenance,  
Traffic Signals \$17,910.00;  
FY2000 Certificates of Obligation,  
Mast Arm Replacement \$21,120.00;  
FY2004 Bond, CIP, Signal and  
Flasher Installation, Citywide \$7,730.00  
Total award: \$46,760.00  
District (s): All

The Street and Financial Services Departments recommend award as indicated to the lowest responsive offers meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase IMSA Signal Cable.

Vendor No. 1 offers an option to purchase up to one hundred percent (100%) of the original contract

quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. Vendor No. 2 offers no option to purchase additional quantities. No prompt payment discounts are offered by either Bidder.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta Candelaria, CFO

Mr. Ray Gilbert, citizen, commented.

.....  
\*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No. 2006-073 Alternators & Starters

Award to: Vendor 1: San Loma, Inc. dba Westfleet  
El Paso, Texas  
Item(s): Part A, Group I, Item #1 and #3  
Amount: \$11,250.00 (estimated annually)

Award to: Vendor 2: Main Auto Parts  
El Paso, Texas  
Item(s): Part A, Group I, Item #2 and #4  
Amount: \$11,250.00 (estimated annually)

Award to: Vendor 3: BXW Electrical Rebuilders, Inc  
El Paso, Texas  
Item(s): Part C, Items #1 to #5 and Items #8 to #11  
Amount: \$2,500.00 (estimated annually)

Department: General Services-Fleet Division  
Funds available: 37370510-503121-45202  
Funding source: General Services Department-Fleet Services  
Internal Service Fund  
Total award: \$75,000.00 (estimated)  
District (s): All

General Services-Fleet Service Division and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Part B will not be awarded as Part B was deleted from the solicitation.

Items #6 and #7 were also deleted from Part C and will not be awarded.

Vendors #1 and #2 offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #2 also offers the City a prompt payment discount of 2% 20 days.

Vendor #3 offers the City a prompt payment discount of 2% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** the request of Calvary Chapel to use amplification (3 microphones and 3 amplifiers) at Tyrone Park, 3301 Tyrone Rd, on April 1, 2006, from 12:00 p.m. to 5:00 p.m. for a Spring Bash. Approximately 100 persons will take part and 200-500 spectators are anticipated. Permit # 06-018 [Betty Diaz]



.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** the request of Catholic Community of Corpus Christi to hold a Good Friday procession on April 14, 2006, from 11:00 a.m. to 1:30 p.m. Route: Start at Corpus Christi Church, proceed on Tenango to Villa Madero, turn left on Villa Madero to Warwick, turn right on Warwick to Morelia, turn right on Morelia to Burgundy, turn left on Burgundy to Ariel Rico, turn right on Ariel Rico to Burgundy, turn left on Burgundy to Bellagio, turn right on Bellagio to Scooter, turn left on Scooter to Burgundy, turn right on Burgundy to Betel, turn right on Betel to Le Barron, turn left on Le Barron and finish at the church. Approximately 300 persons and 2 golf carts will take part. This request includes permission to use amplification (2 speakers, 2 microphones, and 1 amplifier). PERMIT # 06-019 [Mike R. Garcia]

.....  
\*Motion made, seconded, and unanimously carried to **APPROVE** the request of Westside Community Church to use amplification (10 microphones and 4 amplifiers) at Francisco Delgado Park, 7020 Imperial Ridge Dr., on April 15, 2006, from 11:00 a.m. to 3:00 p.m. for a Spring Bash. Approximately 12 persons will take part and 500 spectators are anticipated throughout the day. PERMIT # 06-020 [Pastor Joe Williams]

.....  
Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously **CARRIED** that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating the utility easement located within a vacated portion of El Paso Street between Blocks 161 and 162, Alexander Addition, El Paso, El Paso County, Texas. Applicant: The University of Texas at El Paso. EV05008 (**District 1**) [Development Services, Fred Lopez (915) 541-4925]
- B. An Ordinance vacating the utility easement located within a portion of the vacated alley in Block 162, Alexander Addition, El Paso, El Paso County, Texas. Applicant: The University of Texas at El Paso. EV05009 (**District 1**) [Development Services, Fred Lopez (915) 541-4925]
- C. An Ordinance providing for art in municipal places, establishing the El Paso Public Arts Committee and describing its powers and duties, and establishing a means of funding acquisition or commissioning of art for municipal places and repealing Ordinances 15245 and 15073. (**All Districts**) [Museums and Cultural Affairs, Yolanda R. Alameda (915) 541-4896]

#### **PUBLIC HEARING WILL BE HELD ON APRIL 4, 2006, FOR ITEMS A - C**

- D. An Ordinance changing the zoning of a portion of Tract 2, O.A. Danielson Survey No. 310, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: George Dieter Drive and Holstein Drive. Applicant: Alberto Aguirre, Ignacio and Rafael Aguirre c/o Grubb and Ellis /Best White, LLC. ZON06-00009 (**District 6**) [Development Services/Planning, Christina Valles (915) 541-4930]
- E. An Ordinance granting Special Permit No. ZON06-00013, to allow for a planned residential development on Lot 46, Block 423, Vista Del Sol Unit 93, El Paso, El Paso County, Texas, pursuant to section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11780 Pellicano Drive. Applicant: J&L Unique Homes, Inc. ZON06-00013 (**District 6**) [Development Services/Planning, Mirian Spencer (915) 541-4930]

#### **PUBLIC HEARING WILL BE HELD ON APRIL 11, 2006, FOR ITEMS D - E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the starting time of the regular City Council meeting held on each Tuesday of the week shall be 8:30 a.m. beginning with the regular meeting of March 28, 2006.

Representative Steve Ortega commented.

Ms. Elaine Hengen, Assistant City Attorney, commented.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and unanimously carried to **APPROVE** the above resolution.

.....  
**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**AMENDMENTS TO THE RULES OF ORDER, SECTION 13  
AMENDMENTS ADOPTED MARCH 21, 2006.**

**SECTION 13. CALLING AND ORDER-OF AGENDA ITEMS**

Executive Session will be scheduled as the first item for discussion and action. When the City Council retires into Executive Session to consider items posted for such a session, the City Attorney shall designate which of such items shall be considered during the time period from 8:30 a.m. to 9:00 a.m., and any remaining items posted for the Executive Session shall be considered at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Ceremonial items, including proclamations will be presented next first at the direction of the presiding officer, not to exceed thirty (30) minutes. The public comment (call to the public) portion of the agenda will follow, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the Consent Agenda. Items removed from the Consent Agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda. Reports or updates from the City's Committees, Boards and Commissions shall be considered following the introduction of ordinances.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief summary when appropriate, unless the item is revised by the motion of the Council approving the Consent Agenda or other motion of Council, or is posted for public hearing. In the case of revision and public hearing items, the City Clerk or staff shall read the item into the record, as appropriate.

Mayor Cook and Representatives Castro and Holguin commented.

The following members of City Staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano, and carried to **APPROVE** the above resolution.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

.....  
**NO ACTION WAS TAKEN** on the following item:

Discussion and action on proposed new procedures for the administrative issuance of parade, temporary event, and amplification permits and to allow persons to file free notices of picketing without the necessity of obtaining a permit.

Mayor Cook and Representatives Steve Ortega, Lilly, Holguin, Castro, Byrd, Lozano, and O'Rourke commented.

The following City staff members commented:

4. Ms. Joyce Wilson, City Manager
5. Ms. Elaine Hengen, Assistant City Attorney
6. Ms. Pat Adauto, Deputy City Manager, Development and Infrastructure Services
7. Mr. Charlie McNabb, City Attorney

Motion made by Representative Holguin and seconded by Representative Castro to send to the Rules Legislative Review Committee. The motion **FAILED**.

.....  
Motion made by Representative Byrd, seconded by Representative Lilly and **CARRIED** that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

- A. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), to rename and amend Chapter 13.32 (Temporary Events), of the El Paso City Code, to create separate provisions for the issuance of permits for temporary events utilizing certain types of streets and alleys; to establish criteria for the administrative issuance of the permits; and to create duties for permittees and participants; the penalty being as provided in Sections 1.08.010-1.08.030 **(All Districts)** [Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]
- B. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.34 (Picketing), of the El Paso City Code, to create the Chapter and a process and procedures for picketing on the City's rights-of-way; the penalty being as provided in Sections 1.08.010-1.08.030 of the City Code. **(All Districts)** [Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]
- C. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), to create Chapter 13.36 (Parades and Public Assemblies), of the El Paso City Code, to establish new procedures for the application and permitting of parades and public assemblies held on the city streets and rights-of-way and in city parks; the penalty being as provided in Sections 1.08.010-1.08.030 of the City Code. **(All Districts)** [Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]
- D. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.28 (Sound Amplifying Devices), of the El Paso City Code, to amend all sections; to provide for the administrative issuance of permits; to restrict some uses of amplification in the downtown areas; and to clarify the procedures for the waiver of fees for indigents; the penalty being as provided in Sections 1.08.010-1.08.030. **(All Districts)** [Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]

- E. An Ordinance amending Title 15 (Public Services), to amend Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses) of the El Paso Municipal Code, to revise subsection 15.08.120 C 3 to add additional exceptions relating to new code provisions allowing for uses of City streets; the penalty being as provided in Sections 13.30.120 of the City Code. **(All Districts)** [Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]

## **PUBLIC HEARING WILL BE HELD ON APRIL 4, 2006, FOR ITEMS A – E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
Motion made by Representative O'Rourke, seconded by Representative Lozano, and unanimously **CARRIED** to approve budget transfer BT2006-BT2006-296 Community & Human Development.

To budget estimated revenue from loan repayments to the Community Development Block Grant Revolving Loan Fund and to fund expenditures in the First Time Home Buyer Program assisting approximately 75 homebuyers.

Increase	\$1,500,000	to	71150039/G710RLFCDH09903/406040	ProgrmlIncom
Increase	\$1,500,000	to	71150039/G710RLFCDH09903/505208	1stTmHmByr

Representative Presi Ortega, Jr. was not present for the vote.

Mr. David Almonte, Director of OMB, commented.

.....  
Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to approve budget transfer BT2006-505 OMB

To establish appropriations for equipment and services as presented to Council in quarterly budget review on 1/27/2006.

Increase	\$4,200,000	to	99010335/01101/407002	TrnsffrmF/B
Increase	\$4,200,000	to	99010335/01101/507000	IntrfndTrnsfO
Increase	\$2,450,000	to	37150068/PFLESVC0127507/407000	IntrfndTrnsfl
Increase	\$2,000,000	to	37150068/PFLESVC0127507/508006	Vehicles
Increase	\$ 450,000	to	37150068/PFLESVC0127507/508029	HvyDutyVeh
Increase	\$1,000,000	to	04102010/PFLESVC0127507/407000	IntrfndTrnsfr
Increase	\$1,000,000	to	04102010/PFLESVC0127507/508035	Communicatn
Increase	\$ 500,000	to	53153056/P540010lib27505/407000	IntrfndTrnsf
Increase	\$ 500,000	to	53153056/P540010lib27505/508039	Books
Increase	\$ 250,000	to	15010721/PED0000115462/407000	IntrfndTrnsfr

Representatives Presi Ortega, Jr. and Holguin were not present for the vote.

Representatives Steve Ortega and Castro commented.

Mr. David Almonte, Director of OMB, commented.

Mr. Ray Gilbert, citizen, commented.

.....  
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** the request for the Chief Financial Officer of the Financial Services Department to

reject the bids submitted for Solicitation No. 2006-046, Tractor, Track-Type with Waste Disposal Configuration for the Environmental Services Department. Financial Services and the Environmental Services and General Services Departments recommend rejection of all bids. This item will be re-bid with revised specifications at a later date.

Department: Environmental Services

Representatives Lilly and Presi Ortega, Jr. were not present for the vote.

Ms. Carmen Arrieta Candelaria, CFO of Financial Services Department, commented.

.....  
**ORDINANCE 16310**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 8-I, BLOCK 42, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Juan Ceballos, applicant, commented.

Motion duly made by Representative Holguin, seconded by Representative Steve Ortega that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**ORDINANCE 16311**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Castro and Steve Ortega commented.

Mr. Rudy Valdez, Development Services, commented and presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Castro, seconded by Representative Lozano that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**ORDINANCE 16312**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00156 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS ALL OF LOTS 1, 2, AND 3, BLOCK 6, VALLEY CREST COMMERCIAL PARK, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-SITE PARKING ON PARCEL II, DESCRIBED AS ALL OF LOT 1 AND A PORTION OF LOT 2, BLOCK 2, VALLEY CREST COMMERCIAL PARK, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.42.040, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.64.175 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**ORDINANCE 16313**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00159 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE EAST 10 FEET OF LOT 30 AND ALL OF LOTS 31 AND 32, BLOCK 73, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1731 MONTANA AVENUE) PURSUANT TO SECTION 20.64.175. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

**1<sup>ST</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gil Malooly to speak.

**2<sup>ND</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Esteban Sansores to speak.

**3<sup>RD</sup> AND FINAL MOTION**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega, and O'Rourke  
NAYS: None  
ABSTAIN: Representative Castro  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor Cook and Representatives Steve Ortega, Lozano, Holguin, Castro and O'Rourke commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).
2. Mr. Rick Conner, City Engineer

The following members of the public commented:

1. Mr. Arnold Palacios
2. Mr. Gil Malooly
3. Mr. Luis Sanchez
4. Mr. Armando Soto
5. Ms. Herminia Escajeda, applicant
6. Mr. Rudy Escajeda, applicant
7. Mr. Esteban Sansores

.....  
**NO ACTION WAS TAKEN** on the following item:

Overview of Federal Funding Process for City Transportation Projects.

Representatives Steve Ortega and Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terry Quezada, CIP Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

.....  
**NO ACTION WAS TAKEN** on the following item:

Overview of the Community Development Block Grant Funding Process for City Infrastructure Projects.

Mayor Cook and Representatives Lozano and Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Nathalie Prise, Director of Community and Human Development, presented a PowerPoint presentation (on file in the City Clerk's office).

.....  
 Motion made by Representative Lozano, seconded by Representative Mayor Pro Tempore O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:02 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY  
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
 Section 551.074 PERSONNEL MATTERS  
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

**EX1.** *City of El Paso v. Gloria Romero*, Cause No. 2002-3088 (551.071).

Motion made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **ADJOURN** the Executive Session at 8:08 a.m. and reconvene the meeting of the City Council, during which time motions were made.

.....  
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously **CARRIED** that the City Attorney proceed with a non-suit in the case entitled *City of El Paso v. Gloria Romero*, Cause No. 2002-3088.

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council meeting at 8:10 a.m.

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council meeting at 9:08 a.m.

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:52 p.m.  
.....

APPROVED AS TO CONTENT:

---

Richarda Duffy Momsen, City Clerk